510 FAQs, Streamlining and Permitting Tips

Key to Icons

Web site.*

510.01 Introduction

The environmental permitting process requires cooperation among many WSDOT employees – project engineers, designers, environmental staff, right-of-way personnel, construction managers, and maintenance staff – who must coordinate scheduling, budgets, roles and responsibilities, and staff resources. Furthermore, the process uses technical jargon, acronyms, and legal complexities that may hinder understanding by infrequent or non-technical users of the EPM.

To improve communication and understanding, this chapter presents general information about the environmental permitting process at WSDOT. It gives short answers to frequently asked questions (FAQs), as well as more detailed information on how WSDOT staff can streamline their permitting work, typical data and documentation requirements, and roles and responsibilities of various permitting agencies and WSDOT staff.

510.02 Frequently Asked Questions

The issue of permitting is often misunderstood because it is complex and dynamic. Below are answers to frequently asked questions that will help the EPM user understand permitting issues. For the sake of simplicity, brief answers are given to the FAQs, with reference to more detailed information in other sections of the EPM.

(1) What is the difference between a "permit" and an "approval"?

A "permit" is a document required by law that authorizes a specific type of activity under certain conditions. An example is a Section 404 permit issued by the U.S. Army Corps of Engineers (Corps).

As used in the EPM, "approval" means any document or process other than a permit that needs a signature by someone in authority at an agency having jurisdiction or control over an activity. An approval may also include documentation, certification, concurrence, easement, or license. For example, Section 106 of the Historic Preservation Act, requires no permit, but does require concurrence by the State Historic Preservation Office (SHPO).

* Web sites and navigation referenced in this chapter are subject to change. For the most current links, please refer to the online version of the EPM, available through the ESO home page: http://www.wsdot.wa.gov/environment/.

(2) What is a "federal nexus" and why is it important in permitting?

The term "federal nexus" applies when a WSDOT project involves federal funding, federal permit or approval, use of federal lands, or a federal program. The existence of a federal nexus often triggers the need for federal approvals under certain statutes, including NEPA, Section 106 of the Historic Preservation Act, and the Endangered Species Act.

(3) Where can I find laws and rules on environmental permits?

Federal statutes are collected in the United States Code (USC) and federal rules are assembled in the Code of Federal Regulations (CFR). A user-friendly web site for accessing these federal statutes and regulations is:

http://www.law.cornell.edu/

State laws are contained in the Revised Code of Washington (RCW), and state rules affecting state agency actions are in the Washington Administrative Code (WAC). The official web site, maintained by the Office of the Code Reviser, has an easily accessed index for both statutes and regulations at:

http://www1.leg.wa.gov/CodeReviser/

Local laws and rules are on the web sites for many individual cities and counties. They are also collected by the Municipal Research and Services Center of Washington and can be accessed online at:

http://www.mrsc.org/

(4) What are the different types of permits?

There are two basic types of permits: general and individual. General permits cover a certain type of activity within a certain geographical area, such as a region, state or the entire nation. General permits often have pre-determined conditions that apply automatically to project actions. Examples of general permits are nationwide Section 404 permits issued by the Corps and programmatic Hydraulic Project Approvals issued by WDFW. For most general permits, WSDOT must submit a "Notice of Intent" (NOI) to request coverage under a general permit for a particular activity. The regulating agency may approve or disapprove coverage. Individual permits are issued for a specific activity based on the complexity or circumstances of that project. Other types of permits and approvals are listed in the glossary, **Section 500.06**.

(5) Besides statutes and regulations, are there other environmental requirements that apply to WSDOT projects?

Yes. WSDOT has made a number of environmental commitments in interagency agreements such as Memoranda of Understanding, Memoranda of Agreement and Implementing Agreements. The Appendix lists the agreements with a summary of environmental commitments that require compliance at each stage of WSDOT's Transportation Decision-Making Process.

WSDOT has also adopted internal policies and rules that make environmental commitments. Policy guidance from FHWA and other federal agencies also is relevant to permitting. See **Chapter 420** through **Chapter 480** for details.

(6) How are all the environmental commitments tracked over the life of a project?

Commitments are made during project scoping and programming, NEPA/SEPA documentation, design and environmental review, permitting, and PS&E. In standing with WSDOT's Environmental Management System, the ESO Compliance Branch built the on-line Commitment Tracking System, to organize commitments by project and align them with contract documents to verify methods of implementation. Additional systems to ensure compliance with environmental laws include the Headquarters Water Quality Erosion and Sediment Control Program, the Regional Road Maintenance Program (RRMP), and Washington State Ferries' Safety Management System.

(7) What environmental permits and approvals are typically required for WSDOT projects?

Chapter 520 to **Chapter 550** provide guidance on 45 permits or approvals that may be needed for WSDOT projects. Some are commonly required, while others are used infrequently. **Appendix F** is a comprehensive list of all environmental permits that may be required for WSDOT projects. **Table 400-1** includes those most often initiated during environmental review; these are discussed in detail in **Part 4**. **Table 500-1** includes permits and approvals obtained prior to a finalized PS&E; these are discussed in detail in **Part 5**. Table 240-2 through Table 240-6 in the *Design Manual* is a matrix indicating major permits likely to be needed for each WSDOT project type.

(8) When should I begin applying for permits?

The sooner the better! For projects with a federal connection (nexus), much of the documentation needed for permit approval is prepared as part of the NEPA/SEPA environmental review process. Early in project design, permit requirements are often discussed and negotiated with regulating agencies. Preparation of these permits may begin during design and are usually completed before the finalized PS&E phase.

(9) How much time should I allow for obtaining permits?

Many permits have statutory or regulatory time limits for agencies' actions. However, because there are so many factors and potential causes of delay, the actual time required often differs from the regulatory limits. Processing may take significantly less time, or may extend months beyond regulatory timelines if required information is incomplete. See **Section 510.03** for details.

(10) How can I keep track of what to do when?

Since a project schedule can be easily affected by permitting issues, creating and maintaining a work plan and timeline is essential. Having a visual image of the permitting work flow and how it relates with the design process can be helpful. See **Section 510.03** for ideas.

(11) How can I save time in preparing a permit?

Two key ideas are to start early in the planning process, and make sure the application includes all the required information. See **Section 510.03** for other tips.

(12) What is JARPA and how can it help save time?

The Joint Aquatic Resources Permit Application (JARPA) process has been developed by permitting agencies to allow applicants in Washington to batch permit applications and trigger concurrent review periods. Using the JARPA allows applicants to send information required for several permits to the responsible agencies at the same time. See **Section 510.03** for details.

An electronic version of the JARPA has been developed by Ecology. Information concerning the use of this tool and the form is available for use at this direct link:

http://www.one-stop-jarpa.org/

(13) How else can I coordinate applications for multiple permits?

Other ideas include scheduling pre-application meetings with several agencies, coordinating public review for several permits, and convening an interdisciplinary team such as the Multiple Agency Permitting (MAP), team to review and negotiate mitigation compensation. See **Section 510.03** for details.

(14) Who should I contact if I have questions on a specific permit?

Always seek input from the WSDOT environmental staff in the regional offices first. Exceptions are specialty areas, identified in permit descriptions (**Chapter 520** through **Chapter 550**). For WSDOT contact information, see **Appendix G**. For other contact information see agency web sites, listed in **Appendix C**. Ecology's Permit Assistance Center (FAQ #15) can help track down contacts for obscure or infrequently used permits.

(15) Where else can I go for information about permitting?

The two best sources for overall information and guidance to specific contacts are WSDOT's Environmental Services Office (ESO) and Ecology's Permit Assistance Center. After the regional environmental staff, the ESO is the first stop for permitting information specific to WSDOT projects. Refer to the web site at:

http://www.wsdot.wa.gov/environment/

Ecology's One-Stop Service Center provides information and contacts for environmental permits issued by federal, state, and local authorities. Regional staff in Yakima, Spokane, Bellevue and Lacey coordinate permit applications for larger, more complex projects. They work with applicants, agencies and regulatory authorities to develop permitting plans that meet environmental and land-use requirements as well as applicants' timing needs. See Ecology's Environmental Permitting web site:

http://www.ecy.wa.gov/programs/sea/pac/index.html

(16) What do I do when agency requirements differ?

Agency specifications for drawings and maps often differ, so it may be necessary to produce them in more than one size. For example, tabloid sheets (11 x 17-inch) are commonly accepted for most environmental reports and NEPA/SEPA documents. However, the Corps requires letter size sheets for all drawings because they routinely distribute public notices to a sizeable mailing list. Agency

staff who conduct much of their project review in the field tend to prefer larger formats than the letter (8½ x 11-inch) and legal (8½ x 14-inch) page sizes commonly used for office filing and distribution of public notices. WDFW sometimes prefers formats as large as 48 x 48-inch. See **Section 510.04** for more on data requirements.

(17) Can a permit be extended if construction takes longer than expected?

Permit extensions can usually be granted upon request. Some agencies may require submitting a permit extension request form and issuing a public notice. As a professional courtesy, requests for permit extensions are usually submitted at least one month before the permit expires. Contact the agency for details of permit extension requirements before a crisis occurs.

(18) How do I handle permits in an emergency?

When unanticipated events pose an immediate threat to the integrity of the highway system and the safety of the traveling public, the Legislature has authorized expedited procedure so WSDOT can respond promptly. These procedures are detailed in WSDOT's *Emergency Procedures Manual* (M 3014). See **Exhibit 510-1** for an Attorney General's office opinion on Emergency Protection and Restoration of Highways (April 19, 2002).

510.03 Streamlining the Permitting Process

This section includes suggestions to organize the permitting process, with examples of permitting timelines and schedules, time-saving tips, and using JARPA and other opportunities to coordinate work on multiple permits.

(1) Typical Permitting Timelines

Figure 510-1 illustrates the statutory permit timeline for several commonly needed permits, showing the basic steps and timelines set forth in regulations. By contrast, **Figure 510-2**, shows a "typical" timeline based on anecdotal information about how long it actually takes to obtain permits given real world opportunities and limitations. Both figures illustrate that a critical path that must be managed to keep multiple permits on track.

(2) Scheduling the Permitting Work

Since a project can be easily affected by permitting issues, creating and maintaining a work plan and timeline is essential. Having a visual image of the permitting work flow and how it relates to the design process can be helpful. **Figure 500-2** gives a broad example of how this relationship can be modeled for a mainline channelization project requiring minor amounts of new right-of-way. **Figure 510-3** shows the relationship in more detail, illustrating the level of effort over time during design and PS&E. Because roadside ditches are often at the edge of the right-of-way, the Talent decision has increased the potential for impacts on wetlands and surface waters under Corps jurisdiction. Ideally, the amount of fill is minor and coverage can be obtained under a General (Nationwide) Section 404 Permit. The wetland mitigation plan, required by the permit, may affect stormwater facilities and other design elements. Because stormwater impacts are associated with dredging and filling, an NPDES stormwater permit is needed. Normally, coverage can be obtained under the

General Construction Stormwater Permit. A county or city noise permit may be needed because of the potential for nighttime work.

Another useful time management tool is a permitting work plan that provides useful information for each permit, such as agency contact information, submittal requirements, internal and agency review dates, fees and current status. This type of work plan is illustrated in **Exhibit 510-2** for a new Park and Ride lot.

(3) Time-saving Tips from Ecology

Ecology's regulatory assistance center has prepared the following tips to help applicants understand, plan for and navigate the permitting process:

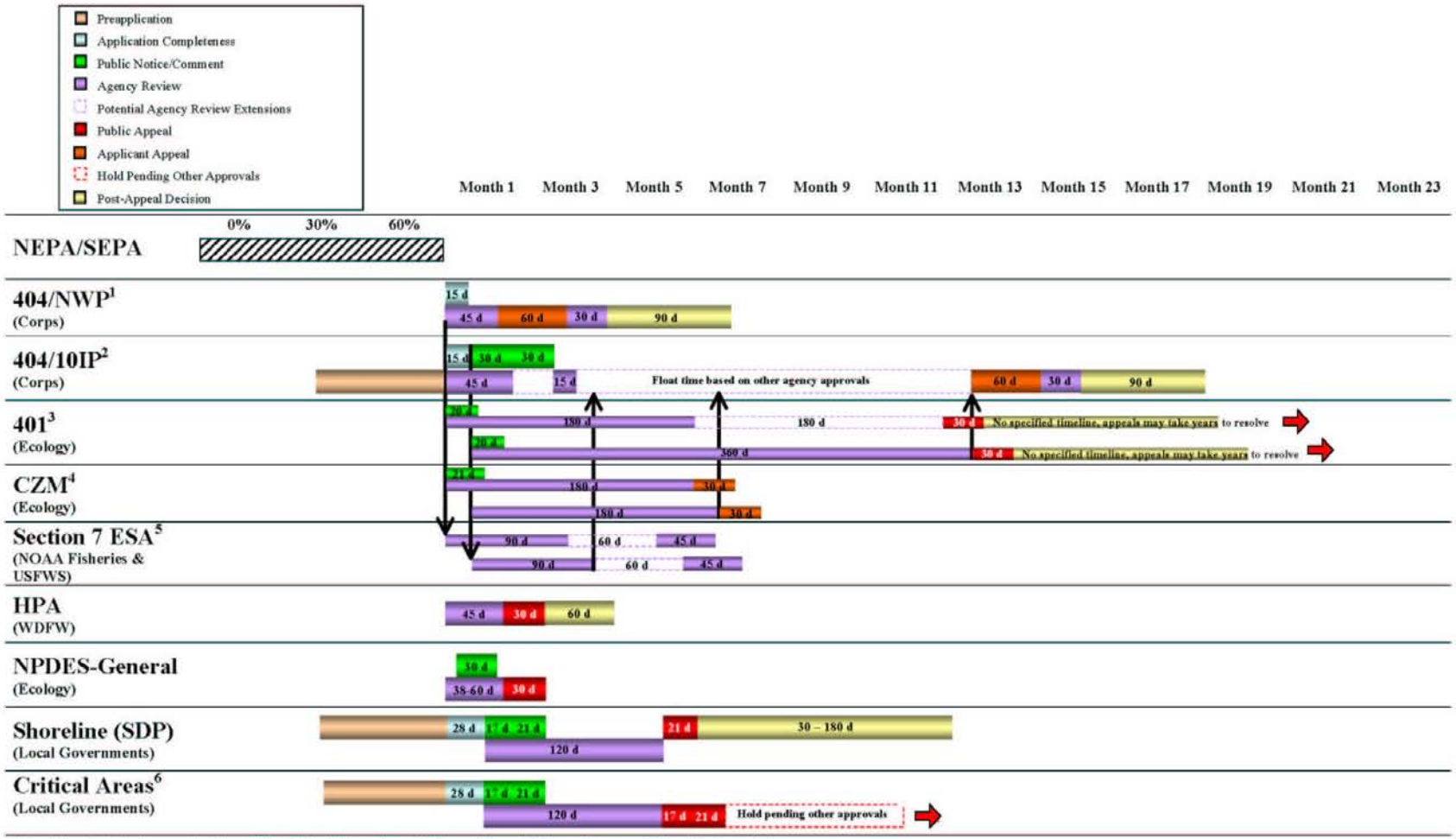
Know the players. Find out what agencies and permits may be involved, time frames, costs, and information needed for permit approval.

Act early. Contact agency staff early in the planning phase, before making a large investment in property, time, or project design. If enough design detail can be provided to the agencies, considerable time can be saved in the long run by identifying the crucial permits that will require a long lead time.

Fully explain current and future plans. An interagency meeting can provide the opportunity to assist regulating agency staff identify required permits and development options, and allow them to work cooperatively with a common understanding of the project.

Make sure the application is complete. Submitting incomplete information will increase processing time. Obtain information from the design team as early as possible rather than guessing or omitting information. Include a complete and accurate project description with the application, and provide adequate design information for the regulating agencies.

Figure 510-1: Statutory Permit Timeline



[1]Regulation states that agency decision will be within 45 days of receipt of complete application, unless more information is needed.
[2]Regulation states that agency decision will be within 60 days of receipt of complete application, unless the comment period is extended or more information is needed. Public comment period extension does not use agency review time (i.e., 30 day suspension).
[3]Regulation states that agency review schedule will be tied to federal permit application schedule. Regulation allows one year for permit review, but an agreement between the Corps and Ecology requires Ecology to process NWP within six months. Inaction on a NWP beyond six months is considered an approval. Public notice required only for individual 401 certification.
[4]Regulation states that agency concurrence or objection to federal consistency determination within 180 days if federal approval needed of federal funding used.
[5]Regulation states that consultation process should conclude within 90 days unless applicant has consented to 60-day extension. Consultation period can be further extended with applicant consent. (Services have additional 45 days for preparation of Biological Opinion)
[6]Local jurisdiction can approve permit upon close of appeal process, but can hold issuance until other related approvals (e.g., HPA, Corps, NPDES) are received.

Figure 510-2: Typical Permit Timeline

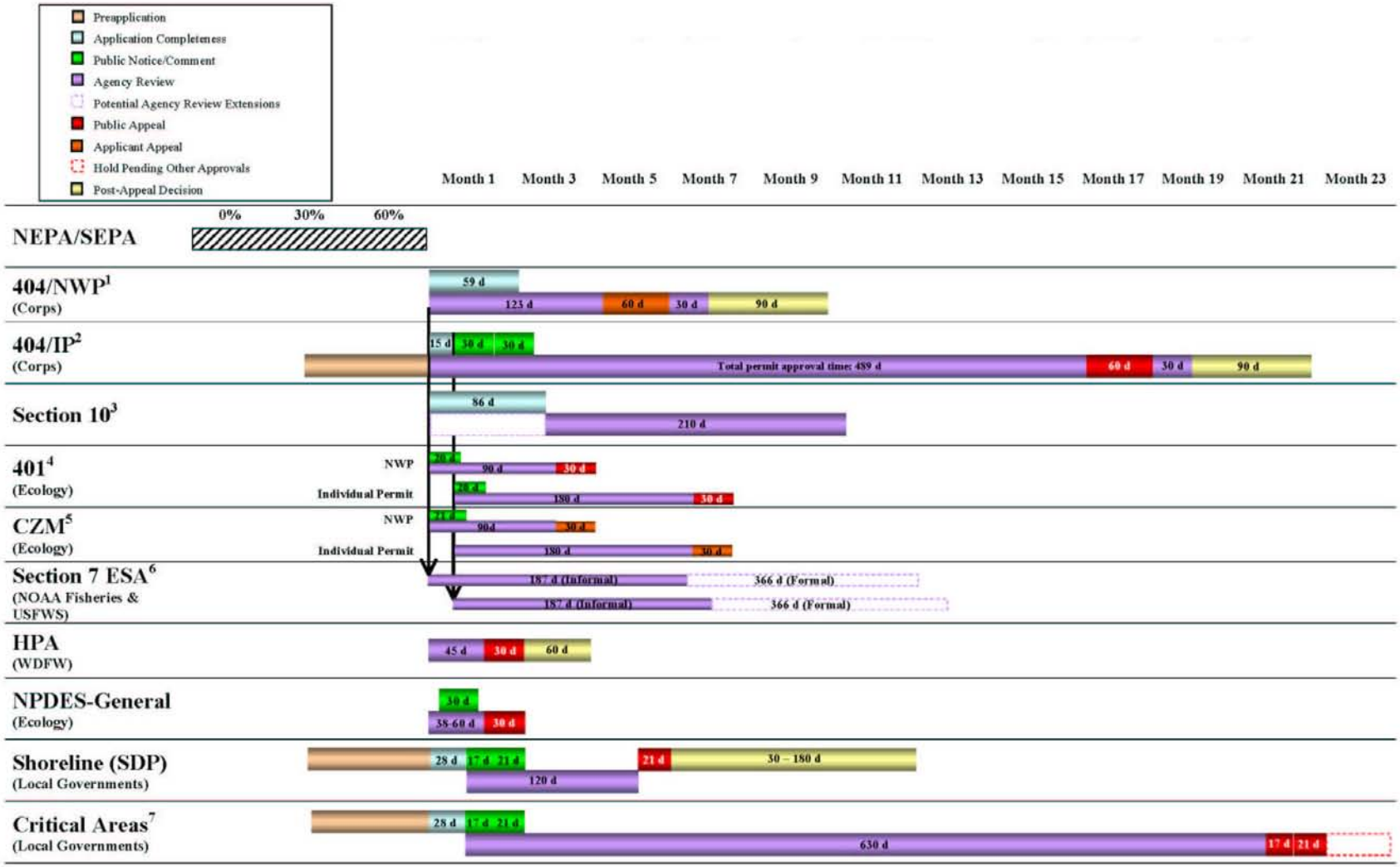
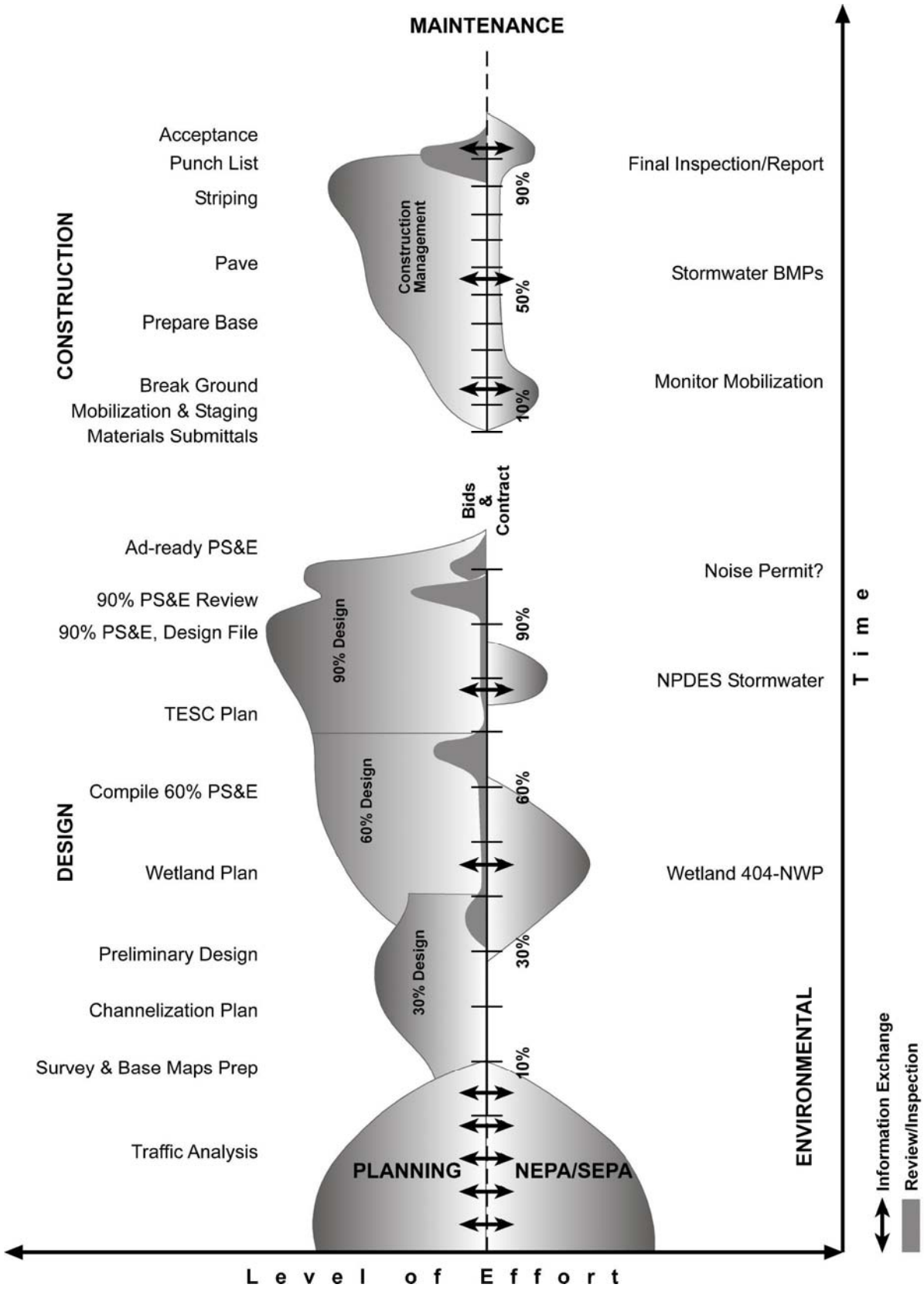


Figure 510-3: Level of Effort Required during Design, Construction, and Environmental Review and Permitting – Mainline Channelization Project



Portray how the project will affect the local community. Meet with local jurisdictions and neighboring property owners early in the process. Aligning the project with local interests enhances acceptance of the project and can reduce processing time for some permits by avoiding lengthy debate and appeals.

Be proactive. Know the rules and periodically check the status of the application. Responding promptly to requests for information will keep the application moving. Follow-up meetings and field visits are helpful to clarify any issues that arise. Carefully read all notices, staff reports and correspondence, and ask questions when in doubt.

Be flexible. Agencies may ask you to consider changes to the project to reduce environmental impacts. You may be able to reduce costly mitigation or delays if you are willing and able to consider alternatives that respond to agency or public concerns.

Walk in the other person's shoes. The applicant and permitting agency may not speak the same language or have the same goals. It helps to understand the regulating agencies' mission, priorities and intended outcome. Recognize that the applicant and permitting agency will have an ongoing relationship after the permit is approved. Treating each other professionally and courteously can go a long way toward moving the project forward smoothly, and building trust.

(4) Submitting applications with "JARPA"

The Joint Aquatic Resources Permit Application (JARPA) process has been developed by permitting agencies to allow applicants in Washington to batch permit applications and trigger concurrent permit review periods. It is used as a permit application by the U.S. Army Corps of Engineers, U.S. Coast Guard, Washington State Department of Fish and Wildlife, Washington State Department of Ecology, Washington State Department of Natural Resources, and 24 counties and 59 cities (as of November 2003). **Table 510-2** lists the permits included in JARPA with reference to detailed guidance later in this chapter.

Table 510-2: Permits Included in JARPA

Jurisdiction	Permit/Approval	EPM Section
U.S. Army Corps of Engineers (Corps)	Section 404 Permits	520.02
U.S. Army Corps of Engineers (Corps)	Section 10 Permits	520.03
U.S. Coast Guard (USCG)	Section 9 Permit	520.04
WA State Department of Ecology (Ecology)	401 Water Quality Certification (including applications for pre-approved Administrative Order related to isolated wetlands)	540.02
WA State Department of Ecology (Ecology)	Coastal Zone Management Certification (not normally included in JARPA but used by WSDOT to obtain Ecology concurrence)	540.03
WA State Department of Fish and Wildlife (WDFW)	Hydraulic Permit Approvals (including application for streamlined process for Fish Habitat Enhancement Projects)	540.15
WA State Department of Natural Resources (WDNR)	Aquatic Lands Use Authorization Notification	540.16
Cities and Counties	Shoreline Permits (including Substantial Development Permits, Conditional Use Permits, Variances, Exemptions, and Revisions);	550.02
Cities and Counties	Floodplain Development Permits	550.03
Cities and Counties	Critical Areas Ordinance Compliance	550.04

Use of the JARPA allows applicants to send information required for several permits to the responsible agencies at the same time. The JARPA form includes

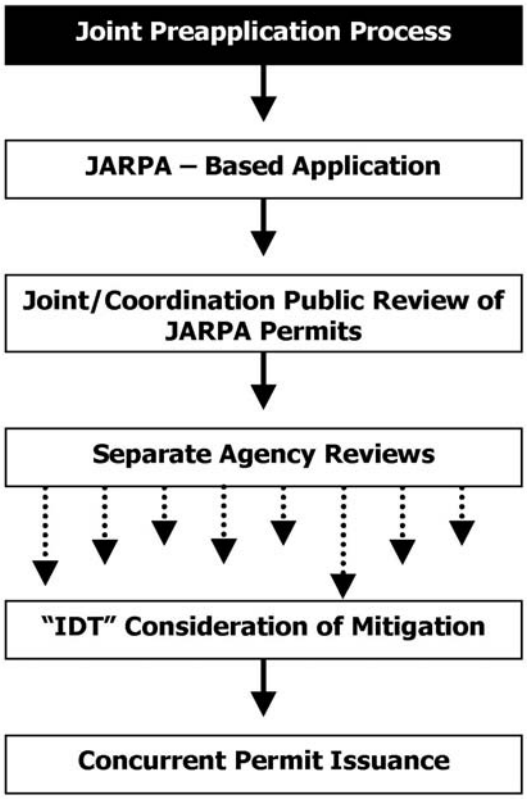
instructions on specific information required for each permit. See the electronic version of the JARPA at:

http://www.one-stop-jarpa.org/

(5) Other Opportunities to Coordinate Applications for Multiple Permits

Besides JARPA, several other opportunities to streamline the permitting process are suggested below and illustrated in **Figure 510-4**.

Figure 510-4: Potential Coordinated/Concurrent Review Opportunities



- Schedule pre-application meetings with multiple agencies. Only a few permits require formal pre-application (e.g. Section 404 Individual Permits, Shoreline Permits, HPA). However, convening all permitting agencies for a given project allows everyone to receive the same briefing, and discuss permitting requirements and opportunities for coordination. This initial investment can pay off by reducing the time agencies need to review the project. Make sure these agency discussions don't limit opportunities for public access to the process.
- Coordinate public review for several permits. Not all permits require separate public notice, review and comment. For example, Hydraulic Project Approvals (HPAs) are issued without public review. Local Shoreline and Critical Areas Ordinance reviews are usually done jointly. The Growth Management Act allows applicants to request one public hearing for multiple permits. A coordinated public comment process is also usually used for USCG Section 9 bridge permits, Section 401 Water Quality Certifications, and Individual Section 404 and NPDES permits.

For the others, a coordinated and/or joint public review process may be possible. This might resemble the joint NEPA/SEPA public review process, where a combined public notice meets both federal and state requirements, joint public review forums are held, and comments are compiled for analysis by each permitting agency. However, respect for an agency' procedural requirements must be observed.

- Convene an interdisciplinary team to review and negotiate mitigation compensation proposals that may be required. Most agencies involved in a particular project need to consider mitigation options, understand other agency's mitigation requirements, and feel comfortable with WSDOT's mitigation plans. To facilitate joint review and negotiation of mitigation measures, an interdisciplinary team of agency staff can be convened during the agency review process. Results can then be incorporated into each agency's permit conditions.

510.04 Data and Documentation Requirements

Most permit applications require basic project information, drawings and maps, and sometimes attachment of additional reports or plans. See "For More Information" on each permit in **Chapter 520** through **Chapter 550**. Requirements for each permit are usually found on agency web sites or in instructions accompanying the permit application.

Basic information. **Exhibit 510-3** shows the basic project data required for several aquatic resource permit applications to illustrate the kind of information needed.

Project drawings and maps. Agencies differ widely in their requirements. Most agencies that require drawings want a vicinity map and both plan and profile (cross-section) views of the proposed construction. Each permit specifies an optimal level of detail, usually driven by the agency's specific regulatory responsibility. For aquatic permits, most agencies want the project footprint and structures in or near water displayed relative to key features such as property lines, ordinary high water mark, and delineated wetland boundaries. An agency may consider an application incomplete if the requested items are not shown on plan sheets. Agencies usually do not begin reviewing the application until it is deemed complete.

Technical reports and plans. Wetland reports and ESA Biological Assessments or Biological Evaluations are the reports most often required as part of permit applications. Others include hydrology reports (for HPAs), geotechnical studies, and Environmental Site Audits.

Temporary Erosion and Sediment Control (TESC) Plans, Wetland Mitigation Plans, and Vegetation Plans are the plans most often required. A Stormwater Pollution Prevention Plan (SWPPP), including the TESC Plan, BMPs, and stormwater site plan, is needed by Ecology for developing conditions for Section 401 Water Quality certifications and for the rare project that requires a NPDES individual stormwater permit. The NPDES stormwater permit application does not specifically require attachment of a SWPPP, only that one will be prepared.

510.05 Permitting Roles and Responsibilities

This section highlights the statutory responsibilities of various permitting agencies and the responsibilities of WSDOT offices for permitting.

(1) Permitting agencies

Each federal and state agency and local jurisdiction has statutory responsibility for certain aspects of environmental protection and for regulating activities to prevent or mitigate environmental impacts. Where these responsibilities overlap, permits from several agencies may be needed for any given project, and agencies attempt to coordinate permitting procedures to avoid unnecessary duplication. **Figure 510-5** illustrates the overlap in responsibility for some of the permits that may be needed in a typical watershed.

Below are the general responsibilities of some of the permitting agencies most relevant to WSDOT:

- Water quality. The U.S. Army Corps of Engineers and USEPA are responsible for protecting water quality in "waters of the U.S." Regulatory authority is delegated to Ecology for some activities.
- Endangered species. NOAA Fisheries and U.S. Forest Service (USFS) have primary responsibility. State agencies including Ecology and WDFW also have responsibility.
- Aquatic resources. WDNR is responsible for land underlying state waters; WDFW is responsible for the fish and other aquatic species.
- Shorelines. Ecology oversees activities on shorelines, with permitting authority delegated to cities and counties, and certifies compliance with federal coastal zone management rules.
- Public lands. Activities on publicly owned land are regulated by the agencies having jurisdiction: the USFS and Bureau of Land Management (BLM) for federal lands, and WDNR for state lands.
- Archaeological and historical resources. Agencies having responsibility include the USFS, BLM, Bureau of Indian Affairs (BIA), tribal governments; and the SHPO.
- Hazardous materials and other toxic substances. Ecology.
- Air quality. Regional, county, or local clean air agencies and Ecology.

(2) WSDOT Roles and Responsibilities

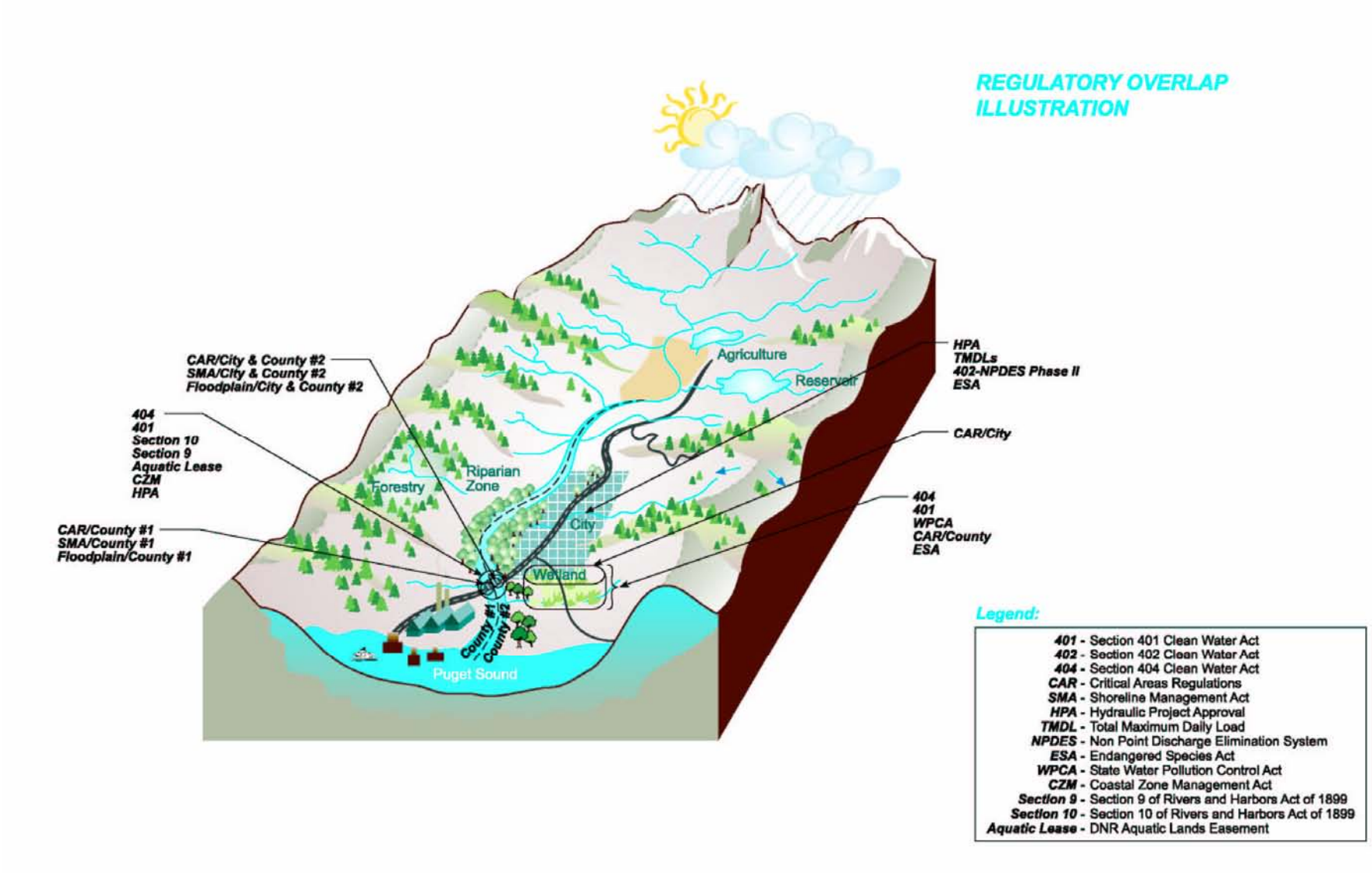
(a) Regional environmental offices. Regional offices coordinate applications for most environmental permits.

(b) Environmental Services Office (ESO) specialists. Specialists at the Headquarters ESO coordinate some permits and provide backup for regional environmental staff. The Hazardous Materials. Air, Acoustics, and Energy Section in the Northwest Regional Office is as the primary source of statewide guidance for local air quality permits and noise control variances.

(c) ESO Compliance Branch, Permitting Section.

- Develops new programmatic NPDES and HPA permits, reports annual usage, and keeps track of permits needing periodic renewal.
- Renewing coverage under NPDES and Section 404/Section 10 General permits.

Figure 510-5: Regulatory Jurisdictions in a Typical Watershed



(d) ***Project Manager*** (may be the Project Engineer, Regional Environmental Manager, or Highways and Local Programs (H&LP) Engineer).

- Renewing or extending coverage under NPDES and Section 404/Section 10 Individual permits and other permits obtained prior to construction.
- Insures programmatic NPDES and HPA permit provisions are listed in project Plans/Special Provisions, record usage for annual reports.

(e) ***Headquarters Maintenance and Operations Environmental.***

- Annual drinking water operating permits (Group A water systems at safety rest areas); waterworks operator certifications; wastewater plant operators certificate.
- Bridge cleaning/washing reporting as condition of programmatic NPDES and HPA permits.
- Vegetation management – spraying of herbicides under noxious/nuisance weed programmatic NPDES and HPA permits.
- Mosquito spraying – pesticide applicator licenses.

(f) ***Ferries Terminal Engineering Environmental Manager.***

- Ferry terminal cleaning/washing reporting as condition of programmatic NPDES permit.
- Ensures programmatic NPDES and HPA permit provisions are listed in project Plans/Special Provisions, record usage for annual reports.

510.06 Exhibits

Exhibit 510-1 – Attorney General's Office Opinion on Emergency Protection and Restoration of Highways.

Exhibit 510-2 – Sample Work Plan (Sammamish Park and Ride).

Exhibit 510-3 – Data Requirements Matrix – Aquatic Resources Permits.

Attorney General's Office Opinion on Emergency Protection and Restoration of Highways

Christine O. Gregoire

ATTORNEY GENERAL OF WASHINGTON

Transportation & Public Construction Division

PO Box 40113 • Olympia WA 98504-0113 • (360) 753-6126

MEMORANDUM

April 19. 2002

TO: Terry Simmons

FROM: Bill Attridge

SUBJECT: **Emergency Protection and Restoration Highways**

Unanticipated events occur that pose an immediate threat to the integrity of the highway system and the safety of the traveling public. To promptly respond, the Department is authorized by the Legislature to utilize an expedited course of action. For example, RCW 47.28.170 states in part:

> (1) Whenever the department finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the department further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel, the department may obtain at least three written bids for the work without publishing a call for bids, and the secretary of transportation may award a contract forthwith to the lowest responsible bidder
>
> (2) Whenever the department finds it necessary to protect a highway facility from imminent danger or to perform emergency work to reopen a highway facility, the department may contract for such work on a negotiated basis not to exceed force account rates for a period not to exceed thirty working days.

Also, when the delay of the work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by state forces when the estimated cost of the work is less than $80,000. The dollar amount has been recently increased by the Legislature to provide a more effective method to promptly react to these emergency situations. RCW 47.28.030.

An Emergency Procedures Manual has been developed by the Department. Its purpose is to establish emergency operating procedures so that Department personnel can expeditiously respond to those conditions set forth in the above referenced statutes. The first step in the procedure is to issue a Declaration of Emergency. The decision to make the Declaration lies with the Secretary of Transportation or his designees which includes the Regional Administrators. The Administrators may further delegate the authority to their respective Maintenance Superintendents. In an upcoming revision of the Manual, the authority for the delegation will extend to the Project Engineer in charge of the emergency work.

Once the Declaration is issued, the necessary effort to reconstruct, repair, or do other required work can be expedited to preserve or restore the highway facility for public use. By authorizing the Declaration, the Department may use the acceleration method to select contractors to do the emergency work pursuant to RCW 47.28.170 or use state forces pursuant to RCW 47.28.030. In addition, the Declaration places the work in an emergency mode so that the various environmental laws relating to such work apply. Thus, the Declaration immediately allows the applicable Regional Environmental Office to secure any permits or provide any notifications that may be applicable to emergency work. The environmental staff can rely upon the Declaration to ensure itself that the proposed work falls within the various definitions of the term "emergency" as found in the federal and state environmental laws. All of these definitions relate to situations where unanticipated events have occurred requiring response activities that must be taken to prevent the loss of property or injury to the public. That criteria is the same as found in RCW 47.28.170. The statute governs situations where highway work is required to protect the facility and the traveling public from the consequences of an accident, disaster or other emergency. The Declaration is issued only when the emergency conditions exist as described in RCW 47.28.170. It likewise satisfies the concept of an "emergency" as that term is used in various environmental laws that may be applicable to the proposed work.

For example, the Shoreline Management Act exempts development from the requirement for a shoreline permit where it is "emergency construction necessary to protect property from damage by the elements." RCW 90.50.030(3)(e)(iii). The shoreline regulations further define "emergency" as "an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter." WAC 173-27-040(2)(d). The Hydraulic Code allows oral authorization for work in an emergency, which is defines as "an immediate threat to life, the public, property, or of environmental degradation." RCW 77.55.100(5).

Federal environmental regulations contain similar provisions. The Corps of Engineers' section 404 regulations define an emergency as follows:

> An "emergency" is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures.

33 CFR section 325.2 All of these environmental statutes and regulations define "emergency" in a manner that is entirely consistent with the use of the term in RCW 47.28.170. Therefore, a declaration of emergency by the region under RCW 47.28.170 is sufficient to invoke the emergency provisions under the environmental statutes. It makes no sense to find that an emergency prevents the use of the normal competitive bidding process, but that a months-long environmental application process should still apply.

The Declaration puts in place an expedited procedure to protect the highway from damage and to restore it as quickly as possible for public use. Once the Declaration has been issued by an authorized person, Department personnel may consider the proposed work as emergency in nature for purpose of selecting a contractor, using state forces, and complying with environmental laws and regulations.

JWA:jah

Permit	Submittal Requirements	ST Review Date	Submittal Date	Issuance Date	Responsibility	Status	Fees	Notes
Conditional Use Permit Sammamish Mark Rodriguez Senior Planner 425-836-7911	Pre-Application Meeting				DEA	No formal pre-app required. Informal meeting held on 6/17 with Mark Rodriquez and Bradford Davis, planners.		CUP review approx. 2 to 4 months. Schedule CUP filing to allow for decision before grading permit application is filed. Allows for any changes coming from the CUP.
	Base Land Use Application	12/23/2003	12/30/2003	4/15/04 (estimate)	DEA and ST	City reviewing application for completeness.	City reviewing whether ST required to pay fees.	City will accept CUP application without landowner's signature because of ST's eminent domain authority.
	CUP Supplemental Info	12/23/2003	12/30/2003		DEA			Narrative description of how project is consistent with Sammamish policies and plans.
	Development Plan Set	12/23/2003	12/30/2003		DEA/OPG		$540 (hourly - $540 is an estimate based on plan review taking 20 hours).	Expect 60% submittal in January 04. CUP may be conditioned to require a complete plan set submittal as part of the grading and clearing permit.
	Other Plan Sheets				DEA	Additional plans may include drainage and grading.		
	Traffic Impact Analysis	12/23/2003	12/30/2003		DEA	Revised traffic impact analysis submitted with CUP.		Assumptions underlying traffic impact anal submitted with Park-and-Ride SEPA changed. Revised anal. prepared for IPL submitted with CUP.

Permit	Submittal Requirements	ST Review Date	Submittal Date	Issuance Date	Responsibility	Status	Fees	Notes
	Drainage Review - Raingarden Memo	12/23/2003	12/30/2003		DEA	Completed with SEPA. Check for consistency w/ Chp. 1 KCSW Design Manual. Add memo for new raingarden added.		
	Sensitive Areas Affidavit	12/23/2003	12/30/2003		DEA/ST			
	SEPA Compliance	12/23/2003	12/30/2003		DEA/ST	Submit copy of DNS issued by ST.		
	KC Assessor's Map	12/23/2003	12/30/2003		DEA			
	Mailing labels	12/23/2003	12/30/2003		DEA			
Grading and Clearing Permit Sammamish Cindy Reddekopp Permit Center 425-836-7921	Construction Plan Set at 90%	4/20/2004	5/25/2004	8/16/04 (estimate 60 days)	DEA/OPG	60% to ST in January 04, revisions by DEA in Feb. and 90% to ST early March 04.	$153 Counter Fee, $54 initial planning fee, $73.75 plan review fee, $919 grading permit fee.	Plan set includes: site plan, TESCP, grading, drainage, lighting, landscape, road, and signal plans, notes, detail sections. Assumes 60 day review.
Right-of-way Permit Sammamish Colleen Hawkins Administrative Assistant 425-836-7925	Road Construction Plan Set at 90%	4/20/2004	5/25/2004	8/16/04 (estimate 60 days)	DEA	Same schedule as grading permit.	$400.50	Plan set includes the same plan set for the grading permit but with those plans relating to the road only.
Building Permit Sammamish	Architectural Plan for Shelters	4/20/2004	5/25/2004	8/16/04 (estimate 60 days)	DEA/ST	Requires 90% design for submittal. Dimensions, elevations, materials, and colors.		Required for structures covering over 150 square feet. Shelters are 200 square feet. ST to provide standard drawings.

Permit	Submittal Requirements	ST Review Date	Submittal Date	Issuance Date	Responsibility	Status	Fees	Notes
Developer Extension Agreement Sammamish Plateau Water and Sewer Dist. Jay Regenstreif Planning Engineer 425-392-4931 ext 215	Allocation Authorization and Developer Extension Agreement	1/15/2004	5/25/2004	8/16/04 (estimate 60 days)	DEA	Depends on what plans need to be submitted as part of developer extension agreement. Estimate of water use is required and will be prepared by OPG.	To be determined.	Pre app held 11/21/03. Conflicts with water and sewer identified. SPWSD recommends combined application.
NPDES Construction General Permit Wash. Dept. of Ecology Linda Matlock Water Quality Program	Notice of Intent Form	9/1/2004	10/1/2004	11/1/2004 (estimate 30 days)	DEA	TESCP will be developed to 90% at time NOI is submitted.	No fee.	Notice of Intent to apply for coverage filed with Ecology. Requires signature of owner. Check renewal date for 2005 construction.
Class IV General Forest Practice Approval Wash. Dept. of Natural Resources Charlotte Bath FPA Coordinator 360-825-1631	Class IV General Forest Practice Appoval, Letter of Permission from City of Sammamish	7/12/2004	8/17/2004	9/27/04 (estimate 30 days)	DEA	FPA Application to be filled out after Sammamish issues grading permit.	To be determined.	Determine if FPA can be filed after CUP is issued using letter from Sammamish.

	Federal Agencies							State Agencies								Local Agencies				
Data Item	COE - CWA Sect 404 NWP	COE - CWA Sect 404 Individual	COE - RHA Section 10		NOAA - ESA Section 7	FWS - ESA Section 7		Ecology - CWA 401 Cert (404NWP)	Ecology - CWA 401 Cert (404ind)	Ecology - Isolated Wetlands	Ecology - CZM Consistency	Ecology - SMA Review	Ecology - CWA Sect 402 (NPDES)	WDFW - HPA		King County - Critical Areas	King County - Shorelines			
Applicant/Contact Information																				
Applicant (name, address, phones, email)	X	X	X					X	X	X	X	X	X	X		X	X			
Agent (if applicable - name, etc)	X	X	X					X	X	X	X	X	X	X		X	X			
Relationship of Applicant to Property	X	X	X						X	X	X			X			X			
Property Owner (if not applicant-name, etc)	X	X	X					X	X	X	X	X	X	X		X	X			
Project / Site Name					X	X		X	X	X	X		X			X				
Adjacent Property Owners																				
name, address, phone	X	X	X														X			
tax parcel #																X	X			
Location / Geographic Information																				
Street Address	X	X	X					X	X	X	X	X	X	X		X				
County								X	X	X	X		X							
T-R-S-Quarter Section	X	X	X		X	X		X	X	X	X	X		X		X	X			
Latitude & Longitude	X	X	X		X	X		X	X	X	X	X		X						
Tax Parcel No. / Govt Lot								X	X	X	X					X	X			
Assessor's Complete Legal Description																	X			
Water Body	X	X	X		X	X		X	X	X	X	X	X	X			X			
Tributary of	X	X	X		X	X		X	X	X	X	X		X						
WRIA - Water Resource Inventory Area								X	X	X	X			X						
Site Description / Use / Zoning																				
Current Property Use	X	X	X					X	X	X	X	X		X						
Existing Structures On-site	X	X	X					X	X	X	X	X		X						
Structures on Adjacent Properties																				
Shoreline Designation											X	X					X			
Within FEMA 100-yr Floodplain (Y/N)	X									X										
Agricultural Land (Y/N)		X																		
USDA Program Participant (Y/N)		X																		
NRHP Historic Properties Onsite/nearby		X																		

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Project Description (see also Drawings)																				
Summary of Proposed Work	X	X	X					X	X	X	X	X		X			X			
Total Acres of Site & Disturbance									X	X			X			X				
Site Dewatering Activities									X				X							
Construction (Soil Disturbing) Activities									X				X							
Project Purpose and Need	X	X	X					X	X	X	X	X	X	X						
Proposed Start Date	X	X	X						X				X							
Estimated Duration	X	X	X																	
Proposed Completion Date													X							
Staged/Phased Construction (Y/N)	X	X	X																	
Work Already Completed	X	X	X																	
Total Cost of Project (within Shoreline)																	X			
Federal Agency Providing Funds	X	X	X								X									
Water Quality Conditions / Effects																				
Discharge to Drain-Surface-Groundwater									X				X							
Name of Receiving Water(s)					X	X			X				X							
Receiving Water On 303(d) List (Y/N)								X	X	X	X									
What 303(d) Parameters								X	X	X	X									
Meet Turbidity Stds for In-water Work?								X	X	X	X			X						
Water Quality Impacts-Avoidance-Mitigation	X	X	X		X	X		X	X	X	X			X						
Water Supply Impacts-Avoidance-Mitigation	X	X	X		X	X		X	X	X	X			X						
Stormwater Manual Used	X							X	X											
BMPs Proposed									X				X							
Stormwater Pollution Prevention Plan									X				X							
Existing & New Impervious Area					X	X			X											

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Wetland Conditions / Effects																				
Wetland Acres Impacted by Fill	X	X	X					X	X	X	X			X						
Wetland Delineation Attached	X	X	X					X	X	X	X			X						
Wetland Report Attached	X	X	X					X	X	X	X			X		X				
Wetland Mitigation Plan Attached									X	X				X						
State Wetland Category									X	X										
Cowardin Class & Dominant Plants									X	X										
Total Wetland Acres including Off-site									X	X										
Distance to Nearest Surface Water Body					X	X			X	X										
Acres Vegetation Cleared / Disturbed									X	X						X				
Fill Type and Composition	X	X	X					X	X	X	X			X						
Fill Material Source	X	X	X					X	X	X	X			X						
NRCS Soil Series & Hydric Status	X	X	X					X	X	X	X			X						
Wetland Acres Flooded or Drained	X	X	X					X	X	X	X			X						
Wetland/Water Cu-Yds/Acres Dredged	X	X	X					X	X	X				X						
Composition of Dredged Material	X	X	X					X	X	X	X			X						
Dredge Disposal Site	X	X	X					X	X	X	X			X						
Dredge Method	X	X	X					X	X	X	X			X						
Stream / Fish / Aquatic Habitat																				
Structures Waterward of OHW / MHHW	X	X	X		X	X		X	X	X	X			X						
Fill Placed Waterward of OHW / MHHW	X	X	X		X	X		X	X	X	X									
Cu-yds Placed Waterward of OHW/MHHW	X	X	X		X	X		X	X	X	X									
Work/Structures 200-ft beyond OHW									X		X	X					X			
Fish Impacts-Avoidance-Mitigation	X	X	X		X	X		X	X	X				X						
Aquatic Life Impacts-Avoidance-Mitigation	X	X	X		X	X		X	X	X				X						
List of ESA T&E Species	X				X	X														
Federal Lead for ESA	X	X	X		X	X														
Stream Report Attached																X				

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Other Permits / Approvals																			
SEPA Lead Agency								X	X	X	X	X	X	X					
SEPA Checklist																X	X		
SEPA Decision								X	X	X	X	X	X	X					
SEPA Decision Date								X	X	X	X	X	X	X					
NPDES Permit (Y/N)	X							X	X	X	X								
Other NPDES Permit #									X				X						
Name/Type of Other Applications/Approvals	X	X	X					X	X	X	X		X			X			
Issuing Agency for Other Apps/Approvals	X	X	X					X	X	X	X					X			
ID/Tracking Number of Other A/A	X	X	X					X	X	X	X								
Date of Other Application	X	X	X					X	X	X	X								
Date of Other Approval	X	X	X					X	X	X	X								
Other Permit/Approval Completed	X	X	X					X	X	X	X					X			
Permits/Approvals Denied	X	X	X					X	X	X	X		X						
Other Studies-Reports-Attachments																			
ESA Biological Evaluation/Assessment	X	X	X		X	X			X		X								
Geotechnical Studies/Report																X	X		
Environmental Site Audits																X			
Assessor's Maps with Nearby Properties																X	X		
Vegetation Management Plan (sensitive areas)									X	X						X			
Storm Drainage Plan (permanent facilities)									X							X			
Earthwork Calculations (>3,000 cu-yds)																X			

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Drawings / Plans / Specifications																				
Maximum Sheet Size																				
8-1/2 x 11-inch	X	X	X																	
8-1/2 x 14-inch																X	X			
11 x 17-inch																				
48 x 48-inch														X						
Black & White Only	X	X	X																	
Title Block Specifications	X	X	X																	
Vicinity Map	X	X	X						X							X	X			
Plan View Drawing Features																				
Shorelines, OHW, MHHW	X	X	X					X	X	X	X			X		X				
Direction of Flow / Tides	X	X	X					X	X	X	X			X						
Aquatic/Wetland/Riparian Vegetation	X	X	X					X	X	X	X			X						
Harbor Lines & Navigation Channels	X	X	X					X	X	X	X			X						
Existing & Proposed Structures	X	X	X					X	X	X	X			X		X	X			
Adjacent Property - Owner - Address	X	X	X					X	X	X	X			X						
Existing & Proposed Contours																X				
Quantity & Type of Fill	X	X	X					X	X	X	X			X		X	X			
Quantity & Type of Dredging/Excavation	X	X	X					X	X	X	X			X		X	X			
Work Already Completed	X	X	X					X	X	X	X			X						
Erosion Control Measures								X	X	X	X			X		X				
Utilities incl. Stormwater Bioswales								X	X	X	X			X			X			
Stormwater Discharge Control/Treatment								X	X	X	X			X						
Landscaping Proposed								X	X	X	X			X						
Mitigation - On-site & Off-site								X	X	X	X			X						
Arterial Streets and Municipal Boundaries																X				
Easements, Setbacks, etc																X	X			
Wildlife Habitat Corridors																X				
Critical Drainage Areas																X				
Special Districts, Open Space, etc																X				
Construction Staging Areas								X	X	X										
Profile (Cross-section) View Drawings																				
Water Level, OHWM, MHHW	X	X	X					X	X	X	X			X		X				
Existing and Proposed Contours	X	X	X					X	X	X	X			X		X				
Vertical Dimensions of Structures	X	X	X					X	X	X	X			X		X	X			
Special Aquatic Sites (wetlands, etc)	X	X	X					X	X	X	X			X						
Construction Materials & Methods								X	X	X	X			X						

Source: *Final Permit Streamlining White Papers Project. Common Permit Data Requirements: What are the Opportunities for Streamlining?* WSDOT, November 17, 2003.